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SIPDIS

STATE FOR PM/DTCC - BLUE LANTERN COORDINATOR
COPENHAGEN FOR ECON - G.BURTON

E.O. 12958: N/A
TAGS: ETTC KOMC FR
SUBJECT: FRANCE: BLUE LANTERN LEVEL 2: PRE-LICENSE END USE CHECK ON APPLICATIONS 05-943227, 05-943228, 05-943674, 05-943844

REF: 04 STATE 258597

¶1. As requested reftel, Post reached out to the French entities listed as end-users in reftel para 4: Onera, MBDA, and ETBS to confirm that they had indeed ordered the accelerometers requeted and also to EADS Astrium to confirm its order for an airborne amplifier. We transmit their response below in order by their relevant license application numbers. We note that none had anything derogatory to say about Bruel and Kjaer.

¶2. Regarding application 05-943227:

In late February, EconOff spoke with Patrick Chantelat of ETBS (Etablissement Technique de Bourges et Surveillance Industrielle Armement), which is a division of DGA (Delegation Generale pour l'Armament) of the French Defense Ministry. Mr. Chantelat, who works directly with Sylvain Doffemont, who signed the export license application, confirmed that these items (i.e. two 7270A-2K accelerometers, two 7270A-6KM6 accelerometers, two 7270A-20KM6 accelerometers, two 7270A-200K accelerometers, and 7 technical data CDS, as specified in license application 05-943227) were ordered to replace old and worn out stock. The accelerometers are used to take measurements to ensure that equipment is functioning within required specifications. Regular testing of equipment using these accelerometers eventually wears them out, thus ETBS is renewing their stock. When asked what they test, Chantelat responded anything from rifles to light anti-tank missiles, i.e. .765-155 mm caliber. After this conversation, Mr. Doffemont followed up with a fax in early March, confirming that ETBS will be the end user, that the end-use will be for acceleration measurements and related testing of equipment, that equipment has not yet been received, and that intended use conforms with end-use certificate. ETBS has no qualms about using Bruel and Kjaer as their intermediary to supply the needed equipment from the U.S. maker.

¶3. Regarding application 05-943228:

French research institute ONERA responded to our letter on March 11 by letter signed by Pascal Geoffroy, Director of the Solid Mechanics and Resistance Testing ("Endommagement") Department, and copied to ONERA's Head of Research, Mr. Eric Deletombe. Geoffrey said that he was happy to finally have a contact about this order, noting that his normal avenue for information and updates was Bruel and Kjaer France, then their main office in Denmark, then Endevco in the U.S., none of whom had been able to explain to him the delay in the progress of the export license approval. He then proceeded to answer our questions by confirming ONERA's order of two accelerometers 7270A-200K, which had been placed on May 14, 2004, via the French distributor Bruel and Kjaer. He also confirmed that ONERA will be the final end-user of this equipment, adding that in fact the equipment will be used as part of a research program ("plan d'etude amont") financed by the Defense Ministry and DGA (Delegation Generale pour l'Armament), which is the acquisition and procurement division of the French military establishment. This study (number 010704) is entitled "Integrity of Naval Stuctures" according to Onera's letter, which further described the planned testing in a way that can be summarized, as it was on the license application, as explosion testing on dynamic materials.

Up to now, Onera does not use this type of equipment and is not yet familiar with these sorts of tests. Hence, they have no previous experience with Bruel and Kjaer as a supplier. Through our own research, we were able to determine that Onera is a public research institute that often conducts research for various branches of the French military. Lastly, Onera confirmed that the intended end use is in conformity with the end-use certificate.

¶4. Regarding application 05-943674:

EADS Astrium was open and quite forthcoming when we contacted them. However, they were the slowest in producing a complete response. Our EADS Astrium contact confided to us that much of the delay was due to the need to correct an improperly completed initial license application as well as a thorough review of their response by their legal counsel before it could be released. In the end we received a very complete response by overnight mail on April 26 from EADS Astrium's Export Compliance Manager Patrice Henacker. It reads as follows:

Begin quote.

This letter is in response to your queries related to DSP 5-943674 applied for by one of our suppliers. The hardware related to this DSP 5 is an amplifier (reference 2662M12G) manufactured by ENDEVCO of California. We hope that the following elements will answer your queries:

(1) What is the end use of this hardware?

These amplifiers are used to condition the signal of accelerometers which are part of the acoustic instrumentation of the ARIANE 5 launcher. ARIANE 5 is the European launcher, developed under the control of the European Space Agency (ESA) and built by EADS Space Transportation for Arianespace. These amplifiers are either used as ground instrumentation (i.e. only during integration and vibration tests), or are set onto the launcher equipment bay for telemetry during launch.
(2) Who is the end user?
When these amplifiers are used for flight (i.e. set onto the launcher and launched), the end user is Arianespace of France, the foreign consignees are EADS Space Transportation SA of France, industrial prime; EADS Space Transportation GmbH of Germany, industrial co-prime; and EADS Astrium SAS of France, integrator of the equipment bay in which these amplifiers are integrated. When these amplifiers are used for integration instrumentation only, the end user remains EADS Astrium SAS. This is case of the part ordered under license 05-943674.

(3) Was the foreseen use (of the 2661M12-G ordered under license 05-943674) in accordance with the end user certificate?

Yes, the foreseen use of this specific amplifier was in accordance with the end user certificate provided by EADS Astrium SAS. This specific amplifier was ordered for integration instrumentation purposes only, and would have stayed at EADS Astrium SAS premises. Therefore, if the DSP 5 had been approved, its usage would have been in compliance with the DSP 83 and the end user certification provided by EADS Astrium SAS. Eads Astrium SAS has in its stock several amplifiers of the same type previously delivered by ENDEVCO without traceability of associated DSP 5s. Because EADS Astrium SAS was aware that these devices were to be considered as ITAR controlled, EADS Astrium SAS had requested authorization from DTC to integrate these amplifiers in the Arian 5 launcher (GC 0649-04 approved August 30, 2004, for four amplifiers, and GC 0628-04 approved July 26, 2004, for five amplifiers). It is these amplifiers, duly covered by the above DTC authorizations, which have been embedded into the Ariane 5 launcher.

(4) Did EADS Astrium SAS sign the end user certificate provided by the U.S. applicant with the license application?

EADS Astrium SAS cannot warrant (attest to) which end user certificate was provided by the U.S. applicant with the license request. EADS Astrium SAS signed a DSP 83 and an end user certificate, both dated September 23, 2004, and which were given by EADS Astrium SAS to the Danish reseller Bruel and Kjaer for the purpose of the U.S. license application. EADS Astrium SAS recognizes that the "end user statement military end user" provided, and in particular paragraph four of this statement might not have been clear, and should have referred clearly to the U.S. authorities (and not to the Danish authorities). To avoid this kind of confusion, EADS has since imposed on all its procurement chain an EADS "end user statement" format.

(5) Indicate the delivery dates of all of these parts by EADS Astrium SAS

The one amplifier associated with DSP 5-943674 was never delivered to EADS Astrium SAS (because the DSP 5 was RWAed). As mentioned, EADS Astrium SAS had in stock nine amplifiers previously delivered by ENDEVCO in 1999. EADS Astrium had obtained authorization from DTC to use these amplifiers for the instrumentation of the Ariane 5 launcher (GC 0628-04 and GC 0649-04). Four amplifiers covered by these two GCs were further shipped to KOUROU, French Guyana.

(6) Has EADS Astrium SAS already used Bruel and Kjaer as a supplier?

Yes, Bruel and Kjaer is a regular supplier to EADS Astrium SAS for all Endevco instrumentation (captors, accelerometers, cables and plugs) and we understand that they are fully approved by Endevco of California as their distributor. Up to now, EADS Astrium SAS has not encountered difficulties with this supplier.

End quote.

¶5. Regarding application 05-943844:

In early-April, post Blue Lantern action officer received the following reply letter from Patrick Bernard of MBDA Missile Systems Office for Management of Contracts. Our informal translation follows:

Begin quote.

In response to your letter, we would like to provide the following clarifications:

Nine accelerometers 7270A-200K were ordered by MBDA France from our supplier: Bruel and Kjaer, rue du Champoreux - BP 33 - 91541 Mennecy Cedex France.

The supplier requested a signature on a DSP 83 form, which returned in August 2004. This DSP 83 indicated that we are the end-user of these nine units, which are intended to be incorporated into testing equipment used to take shock measurements and used for trials in France for the Scalp EG program.

We reconfirm this end-use which was reported in August 2004 and we inform you that these materials have as yet not been delivered by our supplier.

End quote.

Wolff